

## LEVI HUEBNER & ASSOCIATES, PC

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February 14, 2023

Honorable Robert M. Levy  
United States District Court, Magistrate  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11202

Re: **1567 56th Street, LLC et al v. Spitzer et al, 1:22-cv-04873-KAM-RML**

Honorable Judge Levy:

We represent Plaintiffs 1567 56TH Street, LLC, 1569 56TH Street, LLC, and Shlomo Braun and write to update the Court over the progress and lack thereof of the “targeted discovery” requested by the defendants Rosa Funding LLC, Josh Weinfeld, and Isidor Belier.

The injury of this case finds its origins in the forgery of Plaintiffs title to two properties and the network in which Defendants encumber such properties in order to buy more real estate investments.

On December 8, 2022, the Court explored settlement. At the settlement conference, Yan Margolin (counsel for Rosa Funding LLC, Josh Weinfeld, and Isidor Belier) insisted that targeted discovery is needed for settlement, and the Court found that “All agree that targeted discovery as described at the conference must take place if a settlement is to be possible.”

As a direct result, on December 8, 2022, the Court ordered, “This targeted discovery shall be completed by 2/7/23. With the approval of Judge Matsumoto, the deadline for filing the amended complaint is extended to 2/17/23.”

On December 20, 2022, Plaintiffs served documents demands, focused on the targeted discovery, *i.e.*, the transaction of the funds of the purported mortgages and its supporting documents describing/justifying such transactions. A true copy of the demands served upon Rosa Funding LLC, Josh Weinfeld, and Isidor Belier are attached hereto as **Exhibit A**.

In response, on January 5, 2024, PS Funding emailed written objection to the documents demands in its entirety and provided a PDF of a spreadsheet showing that it purportedly wired two mortgage sums, significantly below the \$1.2 million purportedly due to Dekel Abstract on each mortgage. On February 3, 2023, defendants Dekel Abstract, Abraham Teitelbaum and Jehuda Weisz emailed written objection to the document demands in its entirety and provided a printout showing a breakdown of the two payments it received from PS Funding, supported by bank statements. In the first breakdown provided by Dekel, Rosa funding received two “Purchases:payoff” showing \$253,000.00 and \$30,950.00; totaling \$283,950. In the second breakdown provided by Dekel, Rosa Funding

received two “Purchases:payoff” showing \$60,000.00 and \$30,950. In each of these breakdowns, the bulk of the money went to BSD Realty Holdings Inc, who is not yet a party to this action and an entity of which Plaintiffs have no interest or connection.

Meanwhile, Rosa Funding did not provide any of the targeted discovery (albeit targeted discovery it requested be conducted). On February 10, 2023, Plaintiffs wrote to Yan Margolin (counsel for Rosa Funding LLC, Josh Weinfeld, and Isidor Belier) asking to meet and confer over its failure to provide any written responses to the documents demands and the failure to provide any of the targeted discovery.

On February 13, 2023, Plaintiffs met and conferred with Yan Margolin by phone. Instead of discussing whether its intention is to produce documents for the targeted discovery or what discovery will be produced, Mr. Margolin began arguing the merits of the case and insisting that its clients only held the mortgage momentarily, despite receiving the aforementioned amounts. Mr. Margolin became personal in his discussion with the undersigned and final chose to abruptly disconnect the call without resolving discovery issues.

The factual merits of this case comes down to the network utilized by Defendants in forging title to various properties, encumber such properties, and buying more real estate investments that were also encumbered by the same Defendants. The little production of what has been produced has not diminished the gravity of the case, and Plaintiffs have yet to receive any documents that would advance settlement.

Moreover, Mr. Margolin is the one who requested the targeted discovery to facilitate settlement but has not provided any discovery documents from his clients.

Wherefore, Plaintiffs respectfully request that Rosa Funding LLC, Josh Weinfeld, and Isidor Belier show cause as to why their request for targeted discovery was a good faith exercise and yet did not produce any discovery instead of a frivolous exercise, any why they should not be compelled to comply with Plaintiffs’ discovery demands.

Respectfully submitted,

/ s / Levi Huebner

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Levi Huebner